

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATURAL RESOURCES DEFENSE)	
COUNCIL, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 19-cv-5174 (DLC)
)	ECF Case
)	
U.S. ENVIRONMENTAL)	
PROTECTION AGENCY and)	
ANDREW WHEELER,)	
in his official capacity as)	
Administrator of the U.S.)	
Environmental Protection Agency,)	
)	
Defendants.)	
)	

[PROPOSED] ORDER

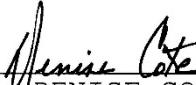
This case concerns a U.S. Environmental Protection Agency (EPA) directive providing, in part, that “no member of an EPA federal advisory committee be currently in receipt of EPA grants” (Pruitt Directive). Plaintiff Natural Resources Defense Council (NRDC) filed this action on June 3, 2019, alleging that the Pruitt Directive is arbitrary and capricious under the Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706, and was issued without complying with the APA’s notice-and-comment requirements. The EPA moved to dismiss the complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), or in the alternative, for summary judgment. NRDC cross-moved for summary judgment. On February 10, 2020, this Court granted NRDC’s motion for

summary judgment, finding the Pruitt Directive arbitrary and capricious. *See* ECF No. 40.

It is hereby ORDERED:

The first provision of the Pruitt Directive, *see* Compl. Ex. A ¶ 1, ECF No. 1-1, specifying “that no member of an EPA federal advisory committee be currently in receipt of EPA grants, either as principal investigator or co-investigator, or in a position that otherwise would reap substantial direct benefit from an EPA grant,” is vacated and remanded.

Dated: April 15, 2020
New York, NY


DENISE COTE
United States District Judge